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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
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| 10/656,469 | 09/08/2003 | Kia Silverbrook | BAL50US | 1560 |

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| EXAMINER | |
|---|---|
| KIM, PETER B | |

| ART UNIT | PAPER NUMBER |
|---|---|
| 2851 | |

DATE MAILED: 11/09/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

| Office Action Summary | Application No. | Applicant(s) | |
|---|---|---|---|
| | 10/656,469 | SILVERBROOK, KIA | |
| | Examiner | Art Unit | |
| | Peter B. Kim | 2851 | |

*-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --*

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

1)☒ Responsive to communication(s) filed on *11 September 2006*.

2a)☒ This action is **FINAL**. 2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

4)☒ Claim(s) *1-7* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-7* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

**Application Papers**

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

12)☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☒ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☒ Certified copies of the priority documents have been received in Application No. 09/113,053.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☒ Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date 08/2006
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ .
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____.

## DETAILED ACTION

Applicant's arguments filed on Aug. 31, 2006 have been fully considered.

### *Claim Rejections - 35 USC § 103*

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

Claims 1-3, 6 and 7 are rejected under 35 U.S.C. 103(a) as being unpatentable over Steinberg et al. (Steinberg) (6,006,039) in view of Sun et al. (Sun) (5,818,032).

Steinberg discloses in col. 1, line 58 – col. 4, line 62 and Fig. 1, 2 and 4, a method of capturing and processing sensed image, the method including sensing a viewed image (10, 12) to generate a viewed image signal, communicating the viewed image signal to a central processor (14), reading a data storage device (22), communicating the program signal to the central processor and executing the program at he central processor (Fig. 1 and 2). Steinberg discloses communicating the viewed image data to an image sensor interface, writing the image data to central processor, converting the viewed image data, and storing the converted image data (Fig. 2, 4), communicating the program signal and transforming the program signal (Fig. 1, 2 and 4). Steinberg discloses printing the output image on a media (col. 1, lines 27-38). However, Steinberg does not disclose reading a printed data storage device by reading a two-dimensional code printed on a planar element to generate the program signal. Sun discloses encoding data on a printed data storage and reading a two-dimensional code printed on a planar element (the

abstract and col. 2, lines 18-27 and col. 2, line 64 – col. 3, line 12). Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to provide the method of saving data including an image processing program on a printed data storage and reading a two-dimensional code on a planar element as taught by Sun to the invention of Steinberg in order to provide a method for encoding high density digital information at a reduced cost as taught by Sun in col. 2, lines 12-16.

Claims 1-3 and 6 are rejected under 35 U.S.C. 103(a) as being unpatentable over Murase et al. (Murase) (5,999,697) in view of Sun et al. (Sun).

Murase discloses in col. 3, line 50 – col. 4, line 45 and Fig. 1A-1C, a method of capturing and processing sensed image, the method including sensing a viewed image (1) to generate a viewed image signal, communicating the viewed image signal to a central processor (Fig. 3, ref 34), reading a data storage device (9), communicating the program signal to the central processor and executing the program at he central processor (Fig. 3). Murase discloses communicating the viewed image data to an image sensor interface, writing the image data to central processor, converting the viewed image data, and storing the converted image data (Fig. 3) and communicating the program signal and transforming the program signal (Fig. 3). However, Murase does not disclose reading a printed data storage device by reading a two-dimensional code printed on a planar element to generate the program signal. Sun discloses encoding data on a printed data storage and reading a two-dimensional code printed on a planar element (the abstract and col. 2, lines 18-27 and col. 2, line 64 – col. 3, line 12). Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to provide the method

of saving data including an image processing program on a printed data storage and reading a two-dimensional code on a planar element as taught by Sun to the invention of Murase in order to provide a method for encoding high density digital information at a reduced cost as taught by Sun in col. 2, lines 12-16.

Claims 4 and 5 are rejected under 35 U.S.C. 103(a) as being unpatentable over Steinberg et al. (Steinberg) in view of Sun et al. (Sun) as applied to claim 1 above, and further in view of McCarty (5,666,411).

Steinberg discloses the claimed invention as discussed above; however, Steinberg does not disclose detecting a bit pattern represented by the two dimensional code and applying XOR algorithms to the byte pattern. McCarty discloses detecting bit pattern and applying XOR algorithms (col. 12, lines 37-47). Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to provide the method of reading two dimensional code of McCarty to the invention of Steinberg in order to protect the software from corruption as taught by McCarty in the abstract.

Claims 4 and 5 are rejected under 35 U.S.C. 103(a) as being unpatentable over Murase et al. (Murase) in view of Sun et al. (Sun) as applied to claim 1 above, and further in view of McCarty (5,666,411).

Murase discloses the claimed invention as discussed above; however, Murase does not disclose detecting a bit pattern represented by the two dimensional code and applying XOR algorithms to the byte pattern. McCarty discloses detecting bit pattern and applying XOR

algorithms (col. 12, lines 37-47). Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to provide the method of reading two dimensional code of McCarty to the invention of Murase in order to protect the software from corruption as taught by McCarty in the abstract.

### *Remarks*

In response to the terminal disclaimer filed on Aug. 31, 2006, double patenting rejection is withdrawn.

In response to applicant's arguments, Sun reference which teaches printed data storage is used in the rejection. Many different means of storing and reading data are known to one of ordinary skill in the art, and it would be obvious for one of ordinary skill in the art to use other means of storing and reading data than the means taught by Steinberg or Murase. The references as a whole would have suggested to one of ordinary skill in the art that the invention of Steinberg or Murase can be modified to read a printed data stage to access an image processing program.

### *Conclusion*

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Peter B. Kim whose telephone number is (571) 272-2120. The examiner can normally be reached on 8:00 AM - 5:30 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Diane Lee can be reached on (571) 272-2399. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Peter B. Kim
Primary Examiner
Art Unit 2851

November 7, 2006